

Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington.

May 3, 2023
By [Signature] Ravi Subramanian, Clerk
Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

DION JAMAR COOPER, and
DE'ONDRE LAMONTIA PHILLIPS, a/k/a
DEONDRE LAMONTIA McDOUGLE,
Defendants.

NO. **CR 23 - 074 RSM**
INDICTMENT

The Grand Jury charges that:

COUNT 1

(Conspiracy to Violate the Gun Control Act)

Beginning in or before June 2021, and continuing through on or about April 12, 2023, in King County, within the Western District of Washington, DION JAMAR COOPER, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, and other persons known and unknown to the grand jury, did knowingly and willfully conspire, combine, confederate, and agree to commit the following offenses against the United States:

1 to knowingly and willfully make false and fictitious written statements, in
2 connection with the acquisition of firearms from a federally licensed
3 firearms dealer, intended and likely to deceive such dealer with respect to a
4 fact material to the lawfulness of the sale of such firearms, in violation of
5 Title 18, United States Code, Section 922(a)(6);

6 to knowingly purchase firearms, in and otherwise affecting interstate and
7 foreign commerce, for, on behalf of, and at the request and demand of
8 another person, knowing and having reasonable cause to believe that such
9 other person had been convicted of a crime punishable by a term of
10 imprisonment exceeding one year, in violation of Title 18, United States
11 Code, Section 932(b)(1);

12 to knowingly transfer firearms to another person, in and otherwise affecting
13 interstate and foreign commerce, knowing and having reasonable cause to
14 believe that the possession of firearms by the recipient would constitute a
15 felony offense, in violation of Title 18, United States Code, Section
16 933(a)(1); and

17 to knowingly receive from another person firearms, in and otherwise
18 affecting interstate and foreign commerce, when the recipient knows and
19 has reasonable cause to believe that such receipt would constitute a felony
20 offense, in violation of Title 18, United States Code, Section 933(a)(2).

21 **A. Background Allegations**

22 At all times relevant to this conspiracy:

23 Federal law requires federally licensed firearm dealers to record the sale or
24 disposition of a firearm on a firearm transaction record known as an ATF Form 4473.
25 *See* 27 C.F.R. § 478.124. The ATF Form 4473 records information regarding the identity
26 of the buyer and asks a series of questions related to the buyer's eligibility to purchase
27 and possess firearms.

Question 21.a. on the ATF Form 4473 asks whether the person completing the
form is the actual buyer/transferee of the firearm that will be purchased or transferred.
The ATF Form 4473 further states: "Warning: You are not the actual transferee/buyer if
you are acquiring the firearm(s) on behalf of another person. If you are not the actual
transferee/buyer, the licensee cannot transfer the firearm(s) to you."

1 The Gun Control Act prohibits any person from knowingly and willfully making a
2 false or fictitious written statement that is intended or likely to deceive the dealer with
3 respect to any fact that is material to the lawfulness of the sale of the firearm. *See* 18
4 U.S.C. § 922(a)(6). This provision requires, among other things, the buyer to answer
5 truthfully Question 21.a. and other questions listed on the ATF Form 4473.

6 **B. Manner and Means of the Conspiracy**

7 It was part of the conspiracy that DION JAMAR COOPER purchased numerous
8 firearms from several federally licensed firearms dealers located in Western Washington.
9 Specifically, between June 2021 and April 12, 2023, DION JAMAR COOPER purchased
10 at least 125 firearms.

11 It was part of the conspiracy that DION JAMAR COOPER purchased these
12 firearms for, on behalf of, and at the request and demand of, other persons known and
13 unknown, including DE'ONDRE LAMONTIA PHILLIPS, by falsely representing
14 himself as the actual buyer/transferee of the firearms on the ATF Form 4473, when in
15 truth and in fact, DION JAMAR COOPER knew he was purchasing the firearms in his
16 name for other persons to possess.

17 It was part of the conspiracy that these other persons, including DE'ONDRE
18 LAMONTIA PHILLIPS, provided DION JAMAR COOPER with the money he used to
19 purchase the firearms; and that DION JAMAR COOPER transferred the firearms to
20 DE'ONDRE LAMONTIA PHILLIPS and other persons after he acquired them.

21 It was part of the conspiracy that DION JAMAR COOPER and DE'ONDRE
22 LAMONTIA PHILLIPS entered into this arrangement because, among other reasons,
23 DE'ONDRE LAMONTIA PHILLIPS could not legally possess firearms or purchase
24 firearms from a federally licensed firearms dealer due to his prior felony convictions.

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C. Overt Acts in Furtherance of the Conspiracy

During and in furtherance of the conspiracy, within the Western District of Washington, one or more of the conspirators committed one or more of the following overt acts, among others: that is, the acts involved in committing the offenses alleged in Counts 2 through 6, below.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(False Statement in Connection with the Acquisition of Firearms)

On or about April 12, 2023, in King County, within the Western District of Washington, DION JAMAR COOPER, aided and abetted by DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, in connection with the acquisition from a federally licensed firearms dealer, namely, Rehv Arms, of the below-listed firearms:

- a Heckler & Koch, Model P2000SK .40 caliber handgun;
- a Taurus, Model G3 9mm caliber handgun;
- a Glock 17 9mm caliber handgun with serial number KZS916;
- a Girsan, Model MC P35, 9mm caliber handgun;
- a Tisas M1911 .45 ACP caliber handgun;
- a Springfield Armory Model XD40 .40 S&W caliber handgun; and
- a Glock 21 .45 ACP caliber handgun;

knowingly and willfully made false and fictitious written statements intended and likely to deceive such dealer with respect to a fact material to the lawfulness of the sale of such firearms, when DION COOPER falsely answered "Yes" to question 21.a. on ATF Form 4473, asking whether he was "the actual transferee/buyer of the firearm(s) listed on this form."

The grand jury further alleges that this offense was committed during and in furtherance of the conspiracy alleged in Count 1, above.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 2.

COUNT 3**(False Statement in Connection with the Acquisition of Firearms)**

On or about April 12, 2023, in King County, within the Western District of Washington, DION JAMAR COOPER, aided and abetted by DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, in connection with the acquisition from a federally licensed firearms dealer, namely, Ben's Loans, of the below-listed firearms:

- a Glock 17 9mm caliber handgun with serial number AHPK009;
- a Glock 17 9mm caliber handgun with serial number 00108GEN1; and
- a Glock 23 .40 S&W caliber handgun with serial number UXU051;

knowingly and willfully made false and fictitious written statements intended and likely to deceive such dealer with respect to a fact material to the lawfulness of the sale of such firearms, when DION COOPER falsely answered "Yes" to question 21.a. on ATF Form 4473, asking whether he was "the actual transferee/buyer of the firearm(s) listed on this form."

The grand jury further alleges that this offense was committed during and in furtherance of the conspiracy alleged in Count 1, above.

All in violation of Title 18, United States Code, Sections 922(a)(6) and 2.

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COUNT 4**(Straw Purchasing of Firearms)**

On or about April 12, 2023, in King County, within the Western District of Washington, DION JAMAR COOPER did knowingly purchase the below-listed firearms:

- a Heckler & Koch, Model P2000SK .40 caliber handgun;
- a Taurus, Model G3 9mm caliber handgun;
- a Glock 17 9mm caliber handgun with serial number KZS916;
- a Girsan, Model MC P35, 9mm caliber handgun;
- a Tisas M1911 .45 ACP caliber handgun;
- a Springfield Armory Model XD40 .40 S&W caliber handgun;
- a Glock 21 .45 ACP caliber handgun;
- a Glock 17 9mm caliber handgun with serial number AHPK009;
- a Glock 17 9mm caliber handgun with serial number 00108GEN1; and
- a Glock 23 .40 S&W caliber handgun with serial number UXU051;

in and otherwise affecting interstate and foreign commerce, for, on behalf of, and at the request and demand of DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, knowing and having reasonable cause to believe that DE'ONDRE LAMONTIA PHILLIPS had been convicted of a crime punishable by a term of imprisonment exceeding one year.

The grand jury further alleges that this offense was committed during and in furtherance of the conspiracy alleged in Count 1, above.

All in violation of Title 18, United States Code, Sections 932(b)(1) and 2.

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COUNT 5
(Trafficking in Firearms)

On or about April 12, 2023, in King County, within the Western District of Washington, DION JAMAR COOPER did knowingly transfer the below-listed firearms:

- a Heckler & Koch, Model P2000SK .40 caliber handgun;
- a Taurus, Model G3 9mm caliber handgun;
- a Glock 17 9mm caliber handgun with serial number KZS916;
- a Girsan, Model MC P35, 9mm caliber handgun;
- a Tisas M1911 .45 ACP caliber handgun;
- a Springfield Armory Model XD40 .40 S&W caliber handgun;
- a Glock 21 .45 ACP caliber handgun;
- a Glock 17 9mm caliber handgun with serial number AHPK009;
- a Glock 17 9mm caliber handgun with serial number 00108GEN1; and
- a Glock 23 .40 S&W caliber handgun with serial number UXU051;

to DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, in and otherwise affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the possession of firearms by DE'ONDRE LAMONTIA PHILLIPS would constitute a felony, that is, *Unlawful Possession of Firearms*, in violation of Title 18, United States Code, Section 922(g)(1).

The grand jury further alleges that this offense was committed during and in furtherance of the conspiracy alleged in Count 1, above.

All in violation of Title 18, United States Code, Sections 933(a)(1) and 2.

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COUNT 6
(Trafficking in Firearms)

On or about April 12, 2023, in King County, within the Western District of Washington, DE'ONDRE LAMONITA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, did knowingly receive from DION JAMAR COOPER the below-listed firearms:

- a Heckler & Koch, Model P2000SK .40 caliber handgun;
- a Taurus, Model G3 9mm caliber handgun;
- a Glock 17 9mm caliber handgun with serial number KZS916;
- a Girsan, Model MC P35, 9mm caliber handgun;
- a Tisas M1911 .45 ACP caliber handgun;
- a Springfield Armory Model XD40 .40 S&W caliber handgun;
- a Glock 21 .45 ACP caliber handgun;
- a Glock 17 9mm caliber handgun with serial number AHPK009;
- a Glock 17 9mm caliber handgun with serial number 00108GEN1; and
- a Glock 23 .40 S&W caliber handgun with serial number UXU051;

in and otherwise affecting interstate and foreign commerce, knowing and having reasonable cause to believe that such receipt of firearms by DE'ONDRE LAMONTIA PHILLIPS would constitute a felony, that is, *Unlawful Possession of Firearms*, in violation of Title 18, United States Code, Section 922(g)(1).

The grand jury further alleges that this offense was committed during and in furtherance of the conspiracy alleged in Count 1, above.

All in violation of Title 18, United States Code, Sections 933(a)(2) and 2.

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COUNT 7**(Possession of Controlled Substances with Intent to Distribute)**

On or about April 12, 2023, in King County, within the Western District of Washington, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, did knowingly and intentionally possess, with the intent to distribute, controlled substances, including N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (hereinafter "fentanyl") and methamphetamine, substances controlled under Title 21, United States Code.

The grand jury further alleges that the offense involved 400 grams or more of a mixture or substance containing a detectable amount of fentanyl; and 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(B).

COUNT 8**(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)**

On or about April 12, 2023, in King County, within the Western District of Washington, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, knowingly possessed a firearm, that is, a FNH, Model Five-Seven, 5.7x28mm caliber pistol, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, *Possession of Controlled Substances with Intent to Distribute*, as alleged in Count 7 above.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

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COUNT 9

(Unlawful Possession of Firearms – Tahoe)

On or about April 12, 2023, in King County, within the Western District of Washington, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, knowing he had been convicted of the following crimes punishable by a term of imprisonment exceeding one year:

Violation of the Uniform Controlled Substances Act – Delivery of Heroin, in King County Superior Court, on or about September 25, 2015, under cause number 14-1-03380-6; and

Unlawful Possession of a Firearm in the First Degree and Assault in the Second Degree (two counts), in King County Superior Court, on or about June 19, 2009, under cause number 08-1-02727-5;

did knowingly possess, in and affecting interstate and foreign commerce, firearms, that is: a FNH, Model Five-Seven, 5.7x28mm caliber pistol; and a Shadow Systems, Model XR920, 9mm Parabellum caliber pistol, both of which had traveled in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 10

(Unlawful Possession of Firearms – Apartment)

On or about April 12, 2023, in King County, within the Western District of Washington, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, knowing he had been convicted of the following crimes punishable by a term of imprisonment exceeding one year:

Violation of the Uniform Controlled Substances Act – Delivery of Heroin, in King County Superior Court, on or about September 25, 2015, under cause number 14-1-03380-6; and

Unlawful Possession of a Firearm in the First Degree and Assault in the Second Degree (two counts), in King County Superior Court, on or about June 19, 2009, under cause number 08-1-02727-5;

1 did knowingly possess, in and affecting interstate and foreign commerce, firearms, that
2 is:

- 3 • a Heckler & Koch, Model P2000SK .40 caliber handgun;
- 4 • a Taurus, Model G3 9mm caliber handgun;
- 5 • a Glock 17 9mm caliber handgun with serial number KZS916;
- 6 • a Girsan, Model MC P35, 9mm caliber handgun;
- 7 • a Tisas M1911 .45 ACP caliber handgun;
- 8 • a Springfield Armory Model XD40 .40 S&W caliber handgun;
- 9 • a Glock 21 .45 ACP caliber handgun;
- 10 • a Glock 17 9mm caliber handgun with serial number AHPK009;
- 11 • a Glock 17 9mm caliber handgun with serial number 00108GEN1;
- 12 • a Glock 23 .40 S&W caliber handgun with serial number UXU051;
- 13 • a Glock 19 9mm caliber handgun;
- 14 • a Glock 43X 9mm caliber handgun;
- 15 • a Glock 23 .40 S&W caliber handgun with serial number PBB239;
- 16 • a Romarm Cugir, Mini Draco 7.62 x 39mm caliber AK-47 variant pistol;
- 17 • a Ruger PC Charger 9mm handgun; and
- 18 • a Ruger Five-Seven 5.7 x 28mm caliber handgun;

18 all of which had traveled in interstate and foreign commerce.

19 All in violation of Title 18, United States Code, Section 922(g)(1).

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COUNT 11**(Unlawful Possession of Firearms – Garage)**

On or about April 12, 2023, in King County, within the Western District of Washington, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, knowing he had been convicted of the following crimes punishable by a term of imprisonment exceeding one year:

Violation of the Uniform Controlled Substances Act – Delivery of Heroin, in King County Superior Court, on or about September 25, 2015, under cause number 14-1-03380-6; and

Unlawful Possession of a Firearm in the First Degree and Assault in the Second Degree (two counts), in King County Superior Court, on or about June 19, 2009, under cause number 08-1-02727-5;

did knowingly possess, in and affecting interstate and foreign commerce, firearms, that is:

- a Romarm Cugir, Micro Draco AK-47 variant 7.62 x 39mm caliber pistol;
- a Ruger, Model 10/22, .22LR caliber rifle; and
- a Derya Arms, Model VRPA40, magazine fed 12-gauge shotgun;

all of which had traveled in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

The allegations contained in Counts 1-11 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture.

1. Upon conviction of the offense alleged in Count 1, DION JAMAR COOPER and DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, shall forfeit to the United States, (i) pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense; and (ii) pursuant to Title 18, United States Code, Section 924(d)(1), by way of

1 Title 28, United States Code, Section 2461(c), any firearms and ammunition that were
 2 involved in the offense, including the following firearms and any associated ammunition,
 3 seized on or about April 12, 2023, from PHILLIPS's apartment in Kent, Washington:

- 4 a. a Heckler & Koch, Model P2000SK .40 caliber handgun;
- 5 b. a Taurus, Model G3 9mm caliber handgun;
- 6 c. a Glock 17 9mm caliber handgun with serial number KZS916;
- 7 d. a Girsan, Model MC P35, 9mm caliber handgun;
- 8 e. a Tisas M1911 .45 ACP caliber handgun;
- 9 f. a Springfield Armory Model XD40 .40 S&W caliber handgun;
- 10 g. a Glock 21 .45 ACP caliber handgun;
- 11 h. a Glock 17 9mm caliber handgun with serial number AHPK009;
- 12 i. a Glock 17 9mm caliber handgun with serial number 00108GEN1;
- 13 and
- 14 j. a Glock 23 .40 S&W caliber handgun with serial number UXU051.

15 2. Upon conviction of the offense alleged in Count 2, DION JAMAR
 16 COOPER and DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA
 17 McDOUGLE, shall forfeit to the United States, pursuant to Title 18, United States Code,
 18 Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms
 19 and ammunition that were involved in the offense. This property includes, but is not
 20 limited to, the firearms and any associated ammunition described in subparagraphs 1(a)
 21 through 1(g), above.

22 3. Upon conviction of the offense alleged in Count 3, DION JAMAR
 23 COOPER and DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA
 24 McDOUGLE, shall forfeit to the United States, pursuant to Title 18, United States Code,
 25 Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms
 26 and ammunition that were involved in the offense. This property includes, but is not
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1 limited to, the firearms and any associated ammunition described in subparagraphs 1(h)
2 through 1(j), above.

3 4. Upon conviction of any of the offenses alleged in Counts 4 through 6,
4 DION JAMAR COOPER and DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE
5 LAMONTIA McDOUGLE, shall forfeit to the United States, (i) pursuant to Title 18,
6 United States Code, Section 934(a)(1)(A), any property constituting, or derived from, any
7 proceeds Defendant obtained, directly or indirectly, as the result of the offense;
8 (ii) pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28,
9 United States Code, Section 2461(c), any firearms and ammunition that were involved in
10 the offense, including the firearms and any associated ammunition described in
11 subparagraphs 1(a) through 1(j), above; and (iii) any of Defendant's other property used,
12 or intended to be used, in any manner or part, to commit, or to facilitate the commission
13 of, the offense.

14 5. Upon conviction of the offense alleged in Count 7, DE'ONDRE
15 LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, shall forfeit to
16 the United States, pursuant to Title 21, United States Code, Section 853, any property that
17 constitutes or is traceable to proceeds of the offense, as well as any property that
18 facilitated the offense, including but not limited to the following firearms and any
19 associated ammunition seized on or about April 12, 2023, from PHILLIPS's apartment in
20 Kent, Washington, including (i) the firearms and any associated ammunition described in
21 subparagraphs 1(a) through 1(j), above, and (ii) the firearms and any associated
22 ammunition described in subparagraphs 8(a) through 8(f), below; and the following
23 firearms and any associated ammunition seized on or about April 12, 2023, from
24 PHILLIPS's Chevrolet Tahoe:

- 25 a. a FNH, Model Five-Seven, 5.7x28mm caliber pistol; and
- 26 b. a Shadow Systems, Model XR920, 9mm Parabellum caliber pistol.

6. Upon conviction of the offense alleged in Count 8, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in the offense, including but not limited to, the following firearm and any associated ammunition seized on or about April 12, 2023, from PHILLIPS's Chevrolet Tahoe:

a. a FNH, Model Five-Seven, 5.7x28mm caliber pistol.

7. Upon conviction of the offense alleged in Count 9, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in the offense, including but not limited to, the firearms and any associated ammunition described in subparagraphs 5(a) through 5(b).

8. Upon conviction of the offense alleged in Count 10, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in the offense. This property includes, but is not limited to, the firearms and any associated ammunition seized on or about April 12, 2023, from PHILLIPS's apartment in Kent, Washington, including (i) the firearms and any associated ammunition described in subparagraphs 1(a) through 1(j), above, and (ii) the following firearms and any associated ammunition:

a. a Glock 19 9mm caliber handgun;

b. a Glock 43X 9mm caliber handgun;

c. a Glock 23 .40 S&W caliber handgun with serial number PBB239;

- d. a Romarm Cugir, Mini Draco 7.62 x 39mm caliber AK-47 variant pistol;
- e. a Ruger PC Charger 9mm handgun; and
- f. a Ruger Five-Seven 5.7 x 28mm caliber handgun.

9. Upon conviction of the offense alleged in Count 11, DE'ONDRE LAMONTIA PHILLIPS, a/k/a DEONDRE LAMONTIA McDOUGLE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms and ammunition that were involved in the offense, including but not limited to, the following firearms and any associated ammunition seized on or about April 12, 2023, from a garage unit in Federal Way, Washington, previously accessed by PHILLIPS:

- a. a Romarm Cugir, Micro Draco AK-47 variant 7.62 x 39mm caliber pistol;
- b. a Ruger, Model 10/22, .22LR caliber rifle; and
- c. a Derya Arms, Model VRPA40, magazine fed 12-gauge shotgun.

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Substitute Assets. If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

any act or omission of the defendants,

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with a third party;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or,

e. has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States to seek the forfeiture of any other property of the defendant, up to the value of the above-described forfeitable property, pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:

DATED: May 3, 2023

Signature of Foreperson redacted pursuant to the policy of the Judicial Conference of the United States.

FOREPERSON

NICHOLAS W. BROWN
United States Attorney

TODD GREENBERG
Assistant United States Attorney